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E & R AMENDMENTS TO LB 115

1           1.     Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3           "Section 1.       Section 81-1403, Revised Statutes  
4 Supplement, 2004, is amended to read:

5           81-1403.       Subject to review and approval by the  
6 commission, the council shall:

7           (1) Adopt and promulgate rules and regulations for law  
8 enforcement pre-certification, certification, continuing education,  
9 and training requirements. Such rules and regulations may include  
10 the authority to impose a fine on any individual, political  
11 subdivision, or agency who or which violates such rules and  
12 regulations. The fine for each separate violation of any rule or  
13 regulation shall not exceed either (a) a one-time maximum fine of  
14 five hundred dollars or (b) a maximum fine of one hundred dollars  
15 per day until the individual, political subdivision, or agency  
16 complies with such rules or regulations. All fines collected  
17 pursuant to this subdivision shall be remitted to the State  
18 Treasurer for credit to the permanent school fund;

19           (2) Adopt and promulgate rules and regulations for the  
20 operation of the training center;

21           (3) Recommend to the commission the names of persons to  
22 be appointed to the position of director of the training center,  
23 delegate appropriate powers and duties to and provide direct  
24 supervision of the director, and when warranted recommend to the

1 commission that the director be removed for cause;

2 (4) Establish requirements for satisfactory completion of  
3 pre-certification programs, certification programs, and advanced  
4 training programs;

5 (5) Issue certificates or diplomas attesting satisfactory  
6 completion of pre-certification programs, certification programs,  
7 and advanced training programs;

8 (6) Revoke or suspend such certificates or diplomas  
9 according to rules and regulations established by the council for  
10 reasons which shall include, but not be limited to, (a)  
11 incompetence, (b) neglect of duty, ~~and~~ (c) physical, mental, or  
12 emotional incapacity, and (d) final conviction of or pleading  
13 guilty or nolo contendere to a felony. The rules and regulations  
14 shall provide for revocation of a certificate holder's certificate  
15 without a hearing upon his or her final conviction of or pleading  
16 guilty or nolo contendere to a felony. For purposes of this  
17 subdivision, felony means a crime punishable by imprisonment for a  
18 term of more than one year or a crime committed outside of Nebraska  
19 which would be punishable by imprisonment for a term of more than  
20 one year if committed in Nebraska. The ~~+~~ ~~Such~~ rules and  
21 regulations shall include a procedure for hearing appeals of any  
22 person who feels that the revocation or suspension of his or her  
23 certificate or diploma was in error;

24 (7) Set the tuition and fees for the training center and  
25 all officers of other training academies not employed by that  
26 training academy's agency. The tuition and fees set for the  
27 training center pursuant to this subdivision shall be adjusted

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1 annually pursuant to the training center budget approved by the  
2 Legislature. All other tuition and fees shall be set in order to  
3 cover the costs of administering sections 81-1401 to 81-1414. All  
4 tuition and fees shall be remitted to the State Treasurer for  
5 credit to the Nebraska Law Enforcement Training Center Cash Fund;

6 (8) Annually certify any training academies providing a  
7 basic course of law enforcement training which complies with the  
8 qualifications and standards promulgated by the council and  
9 offering training that meets or exceeds training that is offered by  
10 the training center. The council shall set the maximum and minimum  
11 applicant enrollment figures for training academies training  
12 non-agency officers;

13 (9) Extend the programs of the training center throughout  
14 the state on a regional basis;

15 (10) Establish the qualifications and standards and  
16 provide the training required by section 81-1439; and

17 (11) Do all things necessary to carry out the purpose of  
18 the training center, except that functional authority for budget  
19 and personnel matters shall remain with the commission.

20 Any administrative fine imposed under this section shall  
21 constitute a debt to the State of Nebraska which may be collected  
22 by lien foreclosure or sued for and recovered in any proper form of  
23 action by the office of the Attorney General in the name of the  
24 State of Nebraska in the district court of the county where the  
25 final agency action was taken. All fines imposed by the council  
26 shall be remitted to the State Treasurer for credit to the  
27 permanent school fund.

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- 1                   Sec. 2.     Original section 81-1403, Revised Statutes
- 2   Supplement, 2004, is repealed.".